

FILED

OCT 06 2022

CLERK U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

BY DEPUTY CLERK

Name Alcapone Alo
Street Address 412 F Street
City and County Fresno
State and Zip Code CA, 93706
Telephone Number (909) 376-7690

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

Alcapone Alo

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-against-

Fresno City College
State Center Community College

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

Complaint for a Civil Case

Case No. 1:22-cv-1271 ADA-BAM
(to be filled in by the Clerk's Office)

Jury Trial: ☐ Yes ☐ No
(check one)

I. The Parties to This Complaint**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	<u>Alcapone Alo</u>
Street Address	<u>412 F Street</u>
City and County	<u>Fresno</u>
State and Zip Code	<u>CA, 93706</u>
Telephone Number	<u>(909)376-7690</u>

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Defendant No. 1

Name	<u>Fresno City College</u>
Job or Title (if known)	<u></u>
Street Address	<u>1101 East University Ave.</u>
City and County	<u>Fresno</u>
State and Zip Code	<u>CA, 93706</u>
Telephone Number	<u>(559) 442-4600</u>

Defendant No. 2

Name	<u>State Center Community College</u>
Job or Title (if known)	<u></u>
Street Address	<u>1525 East Weldon Avenue</u>
City and County	<u>Fresno</u>
State and Zip Code	<u>CA, 93704</u>
Telephone Number	<u>(559) 226-0720</u>

Defendant No. 3

Name _____
Job or Title _____
(if known)
Street Address _____
City and County _____
State and Zip Code _____
Telephone Number _____

Defendant No. 4

Name _____
Job or Title _____
(if known)
Street Address _____
City and County _____
State and Zip Code _____
Telephone Number _____

II. Basis for Jurisdiction

Federal Courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in Federal Court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one state sues a citizen of another state or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same state as any plaintiff.

What is the basis for Federal Court jurisdiction? *(check all that apply)*

☒ Federal question

☐ Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

A. If the Basis for Jurisdiction Is a Federal Question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

see attachment

B. If the Basis for Jurisdiction Is Diversity of Citizenship

1. The Plaintiff(s)

a. If the plaintiff is an individual

The plaintiff, (name) _____, is a citizen of the State of (name) _____.

b. If the plaintiff is a corporation

The plaintiff, (name) _____, is incorporated under the laws of the State of (name) _____, and has its principal place of business in the State of (name) _____.

(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)

2. The Defendant(s)

a. If the defendant is an individual

The defendant, (name) _____, is a citizen of the State of (name) _____. Or is a citizen of (foreign nation) _____.

II. BASIS FOR JURISDICTION

Jurisdiction is proper in this court under 28 U.S.C §1331 because this case arises under the Constitution "14th Amendment" and the Laws of the United State. Jurisdiction is proper under the 42 U.S.C §2000d-2 and A.P.A 5 U.S.C §701-706 for "Judicial Review".

b. If the defendant is a corporation

The defendant, *(name)* _____, is
incorporated under the laws of the State of *(name)*
_____, and has its principal place of
business in the State of *(name)* _____. Or is
incorporated under the laws of *(foreign nation)*
_____, and has its principal place of
business in *(name)* _____.

*(If more than one defendant is named in the complaint, attach an
additional page providing the same information for each additional
defendant.)*

3. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant
owes or the amount at stake—is more than \$75,000, not counting interest
and costs of court, because *(explain)*:

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as
briefly as possible the facts showing that each plaintiff is entitled to the damages or other
relief sought. State how each defendant was involved and what each defendant did that
caused the plaintiff harm or violated the plaintiff's rights, including the dates and places
of that involvement or conduct. If more than one claim is asserted, number each claim
and write a short and plain statement of each claim in a separate paragraph. Attach
additional pages if needed.

see attachment

Claim 1

1 The CARES Act was passed by Congress on March 25, 2020 and signed into law on
2 March 27, 2020. This bill allotted 2.2 Trillion to provide aid to the american people impacted by covid-19,
3 and from that 2.2 Trillion, 14 billion was given to "THE U.S DEPARTMENT OF EDUCATION". Then, the
4 "HEERF II" was authorize by the "CRRSAA" with 81.88 billion in support for education and was sign in to
5 law on December 27, 2020.

6 According to the Congress and Department of Education, 50% of the HEERF under section 18004(a)1 and
7 18004(c) of the "CARES Act" and the "CRRSAA" are to be distributed to all students that are enrolled in
8 distance and in-person learning education (Oakley v. Devos),
9 it also states that this fund shall not be held captive in "student account" without student consent. Because
10 I'm disqualify from recieving Financial Aid Assistance, I been struggling to get back and forth from school
11 due to gas inflation, keeping up with daily hygiene, food, and ☐ other expenses. I am experiencing
12 exclusion from receiving aid from the "HEERF" program. I have also been excluded from particibating in a
13 certificate program (Automotive Technology) on August 30, 2022 Fall semester due to lack of uniform. After
14 being excluded from the program, I had then spoke with Dr. Becky Barabe the Dean of Applied
15 Technology(Head of the program) in regards to an opportunity until I get some money to buy one, she
16 insisted on selling my books and speaking with EOPS as to what can be done. After speaking with EOPS
17 counselor, they had ask me if I was aware off the HEERF that all students recently received and to check
18 with the with institution Bookstore if i could use "HEERF" to pay for the uniform.

Claim 2

1 During the summer of 2021-2022, on June 30, 2022 the defendant alleged that they had initiated a
2 dropped because I was'nt particibating in the course and it was labeled as a "late instructor drop", I
3 became suspicious when I did'nt receive any notification from employee (Instructor) and Admission and
4 Records that I was being dropped from the class, this action by the defendant is violation of it's own policy
5 (Refer to FCC Web Page) . Because it was suspicious activity by the defendant, I petition to review my
6 student records on August 29 and September 19 2022 (Refer to 552(a) Records Maintain on Idividuals).
7 until now, I still have not yet receive word regards to reviewing of my student records.
8 On August 08 2022, I was notify by the Institution that I no longer qualify to recieve Financial Aid. I filed an
9 appeal on August 23 2022 with substancial evidence to support the reason why I was unable to meet the
10 requirement as mention in 20 U.S.C §1091. After going through the process of appeal I was denied stating
11 I failed to meet the requirement. In reference to 42 U.S.C §2000d-1(2), an "Institution" A.K.A "program or
12 activity" (refer to 42 U.S.C §2000d(4)a meaning and purpose for statute stated herein) are not to take any
13 action untill 30 days has elapse after filing a full written report with the "House and Senate" (having
14 legislative jurisdiction over the program) as to why they denied student from receiving "federal public
15 benifits" (8 U.S.C §1611 C(1). From August 8 until 30 days has elapse, I should've recieve a pellgrant from
16 the defendant.
17 On August 30 2022, I was excluded from particibating in Auto 174 (which is part of "Certificate Program")
18 because I was told by employee that I needed a uniform (according to the defendants policy) to particibate
19 in the program. After being excluded from the program, I had then spoke with Dr. Becky Barabe the Dean
20 of Applied Technology(Head of the program) for an opportunity to continue my participation until I'm
21 financially stable, she insisted on selling my books and speaking with EOPS as to what can be done. After
22 speaking with EOPS counseler, they ask if I was aware of the HEERF that all students recently
23 received and to check with the with institution Bookstore if i could use "HEERF" to pay for the uniform.
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IV. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

see attachment

V. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 10/06, 2020.

Signature of Plaintiff

Printed Name of Plaintiff

Alcapone Alo
Alcapone Alo

Prayer For Relief (1)

1 Wherefore I the plaintiff respectfully asking the court to compel the defendant under 28 U.S.C
2 §1361 to issue the plaintiff with HEERF that he is entitled to. While other student are enjoying the benifit of
3 the "HEERF", I am suffering from the action taken by the defendant. and that the action of the defendant is
4 a violation of 14th amendment section: 1 equal protection of the law (See, e.g. Cheney v. United States
5 Dist. Court For D.C. (03-475) 542 U.S. 367 (2004) 334 F.

Prayer For Relief (2)

7 Because these are a mirrior images of discrimination and retaliation stated in claim 2, I the plaintiff
8 respectfully asking the court to grant the following judicial review that the plaintiff is entitle to pursuant to 42
9 U.S.C §2000d-2. I am also make aware to the court that this is an ongiong behavior by the defendant
10 unless the court grant the following relief stated herein.
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